

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

December 08, 2004

DIVISION TWO

B177945 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Patricia C.

The petition for writ of mandate is denied, and the order to show cause is discharged.

Doi Todd, J.

We concur: Boren, P.J.
 Ashmann-Gerst, J.

B168213 AAA 1 RV Center, Inc. (Not for Publication)
 v.
 Nova Information Systems
 and Nazemi

The judgment is affirmed. Appellants are ordered to bear respondents' costs on appeal.

Doi Todd, J.

We concur: Boren, P.J.
 Nott, J.

December 08, 2004 (Continued)

DIVISION FOUR

B174169 People (Not for Publication)
v.
Brown

The judgment is affirmed.

Hastings, J.

We concur: Epstein, P.J.
Curry, J.

B168788 People (Not for Publication)
v.
Walker

The judgment is reversed and the matter is remanded for further proceedings consistent with this opinion.

Curry, J.

We concur: Hastings, Acting P.J.
Grimes, J. (Assigned)

B172945 People (Not for Publication)
v.
Martinez

The judgment is affirmed.

Curry, J.

We concur: Epstein, P.J.
Grimes, J. (Assigned)

DIVISION FOUR (Continued)

B173568 Los Angeles County, D.C.S. (Not for Publication)
v.
Marana B.

The orders of the juvenile court are affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
 Grimes, J. (Assigned)

B173600 USA Talks.com, Inc. (Not for Publication)
v.
Moskowitz et al.

The order of the trial court is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
 Grimes, J. (Assigned)

B166697 McGill (Not for Publication)
v.
City of Los Angeles

The judgment is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.
 Grimes, J. (Assigned)

December 08, 2004 (Continued)

DIVISION FOUR (Continued)

B171420 Woo (Not for Publication)

V.

Fidelity Creditor Service, Inc.

The order is affirmed.

Curry, J.

We concur: Hastings, Acting P.J.

Grimes, J. (Assigned)

B171326 Brotemarkle (Not for Publication)

V.

Slater Realty and Property Management, Inc.

The award of attorney fees is affirmed.

Curry, J.

We concur: Epstein, P.J.

Hastings, J.

B177596 Cohen

$$\mathbf{V}_i$$

Cohen

Filed order granting motion to dismiss appeal. Appeal (notice of appeal filed August 17, 2004) dismissed.

DIVISION FIVE

Court reconvened at 9:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

B175772 DCFS v. Amos A.

Argument waived, cause submitted.

B171379 Lena Holman
v.
Jerry McCosky et al.

Merits:

Argued by William F. Clark for appellants and by Ave Buchwald for respondent. Cause submitted.

B170407 People
v.
Klaus Ellingsen

Merits:

Argued by Michael Grodsky for appellant and by Joseph P. Lee, deputy attorney general, for respondent. Cause submitted.

B171004 People
v.
Javier Rodriguez

Merits:

Argued by Aron Laub for appellant. Respondent waived oral argument. Cause submitted.

Court recessed at 9:20 a.m.

Court reconvened at 9:25 a.m.

Present: Turner, P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

B171257 Los Angeles Unified School District
 v.
 Chong Mo Chong

Merits:
Argued by Karen Larson for appellant and by David Graeler for
respondent. Cause submitted.

Court recessed at 9:50 a.m.

Court reconvened at 10:00 a.m.

Present: Turner, P.J., Grignon, J., Mosk, J. and J. Belcher, Deputy Clerk.

B177950 DCFS v. Amos A.

Argument waived, cause submitted.

B164124 Craig Ramseyer
 v.
 Errol Daly
 Billie Hicks-Daly

Merits:
Argued by Errol Daly appellant in propria persona, by Pierpont M. Laidley
for appellant Hicks-Daly and by David B. Kuhlman for respondents. Cause
submitted.

Court recessed at 10:35 a.m.

Court reconvened at 11:00 a.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

DIVISION FIVE (Continued)

Each of the following:

B171622 People v. David R.
B175036 DCFS v. Colleen P.

Argument waived, cause submitted.

B173338 People
 v.
 James Neely

Merits:
Argued by John L. Staley for appellant and by Michael Johnson, deputy attorney general, for respondent. Cause submitted.

B170740 People
 v.
 Leonard Smith

Merits:
Argued by Leonard J. Klaif for appellant and by Michael J. Keller, deputy attorney general, for respondent. Cause submitted.

B178402 Don Felder
 v.
 Superior Court, Los Angeles County
 (Eagles, LTD. et al., r.p.i.)

Merits:
Argued by Joel N. Klevens for petitioner and by Larry R. Feldman and Carla Christofferson for real parties in interest. Cause submitted.

Court recessed at 12:10 p.m.

December 08, 2004 (Continued)

DIVISION FIVE (Continued)

Court reconvened at 1:00 p.m.

Present: Grignon, Acting P.J., Armstrong, J., Mosk, J. and J. Belcher, Deputy Clerk.

B173704 Frank Figueroa
 v.
 Fire Insurance Exchange

Merits:

Argued by Louis Khoury for appellants and by Harry Chamberlain for respondent. Cause submitted.

B172997 Yolanda Enriquez
 v.
 A.L. Financial, et al

Merits:

Argued by Joseph Olsen for appellant and by James Whitemeyer and James Colfer for respondents. Cause submitted.

Court adjourned at 2:10 p.m.

B176405 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Maria and Nicholas R.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION FIVE (Continued)

B164729 Khybrette Neal (Not for Publication)
v.
Health Net, Inc. et al.

The order denying in part the motion to compel further interrogatory answers is affirmed. The order granting summary judgment is reversed. Upon issuance of the remittitur, the trial court is to issue an order granting summary adjudication on all but the first two causes of action for race and gender discrimination. Each side is to bear their own costs on appeal.

Turner, P.J.

We concur: Grignon, J.
Mosk, J.

B173226 Los Angeles County, D.C.S. (Not for Publication)
v.
Jeffrey K.

Jeffery K., the minor, appeals from a Welfare and Institutions Code section 602 wardship order. The Attorney General has moved to dismiss the appeal because the minor has absconded from probation and is the subject of an arrest warrant. We agree that the minor's appeal should be dismissed under well established authority prohibiting a litigant from seeking appellate review while a fugitive from the authorities. (People v. Redinger (1880) 55 Cal. 290, 298-299; People v. Kubby (2002) 97 Cal.App.4th 619, 622-624.) Unless written under oath proof is provided to this court by December 27, 2004, that the minor is in the custody of the juvenile authorities or, if appropriate, any other law enforcement agency, the appeal will be dismissed by the clerk on December 29, 2004.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

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The matter is remanded to the juvenile court with directions to determine whether an IEP is still necessary, and if so whether the IEP previously prepared for appellant is still valid or should be updated. The trial court should also determine whether the CYA can meet appellant's educational needs. If the trial court finds that an IEP is still necessary and that the CYA can meet the needs specified in the IEP, the court should forward that finding to the Director of the California Youth Authority in an amended commitment order together with appellant's existing or revised IEP. If the trial court finds that the CYA cannot meet appellant's educational needs, the trial court must alter its disposition so that appellant's educational needs are met.

The trial court's orders should be modified to reflect that counts 1 and 2 are misdemeanors and that counts 1 and 2 are stayed pursuant to section 654. Appellant's total confinement time is now three years and two months. The trial court's amended commitment order should reflect these changes. The trial court's orders are otherwise affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Mosk, J.

B170409 People (Not for Publication)
v.
Filemon Solano

The appeal is dismissed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

December 08, 2004 (Continued)

DIVISION FIVE (Continued)

B170751 Roger J. Heath (Not for Publication)
 v.
 Catalina Pacific Concrete Company, Inc. et al.

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
 Mosk, J.

B169807 People (Not for Publication)
 v.
 Jose Luis Cerda

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

B176223 People (Not for Publication)
 v.
 Lonnie Everett

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

Court convened at 1:30 P.M.

Present: Gilbert, P.J., Yegan, J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

DIVISION SIX (Continued)

Each of the following:

B167603 Marriage of Grose
B173302 Jones v. Union Bank of California

Argument continued to January, 2005.

B173131 Astenius v. State of California

Argument waived, cause submitted.

B172929 Winston
 v.
 California Dept. of Fish and Game

Merits:

Argued by Ilson Woo New for appellant and by Peter E. von Hamm,
Deputy Attorney General, for respondents. Cause submitted.

B173005 Duane
 v.
 Cleland

Merits:

Argued by Gary Cleland, appellant, appearing in propria persona and by
Jeff Duane, respondent, appearing in propria persona. Cause submitted.

B166579 Wilson
 v.
 Portier

Merits:

Argued by Maureen G. Wilson, appellant, appearing in propria persona and
by Ronald R. Portier, respondent, appearing in propria persona. Cause
submitted.

DIVISION SIX (Continued)

B172770 Kugler
 v.
 Reed

Merits:

Argued by Jean F. Matulis for appellant; by William Peter Terhune for respondent Kugler and by Rita Neal, Deputy County Counsel, for respondent Public Guardian. Argument previously waived by respondent Sachs. Cause submitted.

Yegan, J. left the bench.

B174007 Weyrich
 v.
 California Dept. of Corrections

Merits:

Argued by John Houston Scott for appellant and by Brian D. Vaughan, Deputy Attorney General, for respondent. Cause submitted.

Court recessed at 3:30 P.M.

Court reconvened at 3:35 P.M.

Present: Yegan, Acting P.J., Coffee, J., Perren, J. and G. Bents, Senior Deputy Clerk.

B172000 Alvarez
 v.
 Behniwall

Merits:

Argued by Kevin Chaffin for appellants, by Peter J. Celeste for respondents Behniwall et al., by Christian Menard for respondents Bains & Behniwal, Inc. et al. and by Lisa Shyer for respondents Sunner et al.. Cause submitted.

Court adjourned at 4:15 P.M.

DIVISION SEVEN

B168731 The People (Not for Publication)
v.
Anyway Bail Bonds et al.

The judgment is affirmed. Respondent(s) to recover costs.

Zelon, J.

We concur: Perluss, P.J.
Johnson, J.

B169321 The People (Not for Publication)
v.
Aegis Security Insurance Company

The judgment is affirmed. Respondent(s) to recover costs.

Johnson, Acting P.J.

We concur: Woods, J.
Zelon, J.

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The judgment is affirmed.

Johnson, J.

We concur: Perluss, P.J.
Zelon, J.

December 08, 2004 (Continued)

DIVISION EIGHT

B174750 Larry D. Lyon
B178964 v.
 Clifton C. Bearden

Filed order consolidating above captioned appeals.